



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: August 11, 2015

Table A. Summary			
Application Summary			
Case Number	Z1500015	Jurisdiction	City
Applicant	Cline Design Associates	Submittal Date	April 8, 2015
Reference Name	Davis Park West Revisions	Site Acreage	29.84
Location	362 and 390 Davis Drive, in the northwest quadrant of the intersection of Davis Drive and Hopson Road		
PIN(s)	0737-03-95-9189, -04-2481		
Request			
Proposed Zoning	Commercial General with a development plan (CG(D))	Proposal	Modification of design commitments on existing development plan – Section B below and Attachment 4, Davis Park West Revisions
Site Characteristics			
Development Tier	Compact Neighborhood		
Land Use Designation	Commercial		
Existing Zoning	Commercial General with a development plan (CG(D))		
Existing Use	Undeveloped		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Recommend approval, 12-2 on August 11, 2015. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		

Determination/Recommendation/Comments, continued	
DOST	No comments
BPAC	No comments

## A. Summary

This is a request to modify the design commitments associated with the existing development plan for Davis Park West, zoning district Commercial General with a development plan (CG(D)).

The Planning Director has determined that modification of design commitments only requires a change to that portion of the application to be subject to the zoning map change process (ref. UDO Secs. 3.5.12.A and 3.5.12.B). As such, only the modification of the design commitments from the development plan were reviewed. All other portions of the original application (case Z07-27) that are not expressly modified with this request remain unchanged.

Proposed changes under consideration with this case, Z1500015, are shown as deletions ~~stricken~~ and additions underlined on Attachment 4, Davis Park West Revisions, and summarized below:

**Change to existing design guidelines:**

1. Removed committed number of stories. Removed pitched roof commitment.
2. Revised exterior building material text not to limit materials. Revised to include cementitious panel and siding.

Modification of the design commitments, a proffered level of development greater than ordinance requirements, does not change the sufficiency of the previously approved development plan nor its consistency with the future land use designation of the *Comprehensive Plan*.

## B. Site History

This site was previously zoned CC(D) on July 26, 2004 with zoning map change case #P03-49. The development plan for this site showed a shopping center with a maximum of 160,000 square feet of retail space.

On October 8, 2007 the Board of County Commissioners approved plan amendment case A07-11 for 4.56 acres of this site to be designated Commercial and Compact Neighborhood Tier.

On June 16, 2008 City Council approved the initial zoning for this newly annexed property which was a translation from the County's jurisdiction to the City's jurisdiction.

The site's existing zoning designation CG(D) and associated development plan (case Z07-27) was approved by City Council on September 15, 2008. This plan proposed a mix of

uses that includes 270-330 multi-family dwelling units, 69,000-82,000 square feet of non-residential space, and a 180 room hotel.

### C. Staff Analysis

The existing development plan governing this site (case Z07-27) proposed a mix of uses that includes 270-330 multi-family dwelling units, 69,000-82,000 square feet of non-residential space, and a 180 room hotel. Two modifications are proposed for the design commitments of case Z07-27 and only under the subheading “Description of Proposed Architectural Style”:

1. Remove the height requirement of “three and four stories” and omit the requirement for pitched roofs of residential building. Removal of the committed number of stories removes the minimum committed height of three stories and will revert to the building height standard to a maximum of 50 feet, rather than the four stories indicated. With the omission of pitched roofs, rooflines will be required to be consistent with the remaining language of the text; for residential buildings, “The rooflines will vary in height but will be primarily flat roofs with parapets and inset roof mechanical screening.”
2. Change the exterior building materials to require at least two materials from a number of choices rather than a combination of a number of choices. Additionally, cementitious siding and cementitious panel were added as possible choices.

These changes are excerpted below and are provided in ~~strikeout~~ and underline form in Attachment 4, Davis Park West Revisions.

~~Residential buildings will be three and four stories and will have predominately pitched roofs. They~~ Residential buildings will be designed to complement the adjacent architectural styles at Finsbury and the non-residential buildings in Davis Park West.

~~The exterior building materials will be include, at least two of the following : a combination of masonry (standard size brick, block size brick, synthetic stucco, cementitious siding, cementitious panel and glass.~~

**Determination.** The modifications to the design commitments associated with Z07-27 is not contrary to any current Ordinance requirements or policies. As such, staff determines that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinance.

If approved, development plan Z07-27 with modifications this case (Z1500015) establishes the level of development of the site.

### D. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham

- Unity in the Community for Progress
- Northeast Creek Stream Watch
- Partners Against Crime – District 4
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – Town of Cary

## E. Summary of Planning Commission Meeting August 11, 2015 (Case Z1500015)

**Staff Report:** Amy Wolff presented the staff report.

**Request:** From Commercial General with a Development Plan (CG(D)) to Commercial General with a Development Plan (CG(D))

**Public Hearing:** Chair Harris opened the public hearing. No one spoke in support or opposition. Chair Harris closed the public hearing.

**Commission Discussion:** Discussion centered on Design change and heights.

**MOTION:** To forward to City Council with a favorable recommendation.

**ACTION:** Motion carried, 12-2. (Miller and Huff voting no)

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

## F. Staff Recommendation

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

## G. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Lindsey Kretchman, Cline Design Associates	Ph: 919-833-6413	lindseyk@clinedesignassoc.com

## H. Attachments

- 1.Context Map
- 2.Future Land Use Map
- 3.Aerial Photography
- 4.Davis Park West Revisions
- 5.Application
- 6.Submittal History
- 7.Planning Commission Written Comments
- 8.Ordinance Form
- 9.Consistency Statement